IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7276 of 2006()

CRIME NO.245/2006 OF EDAVANNA POLICE STATION

PETITIONERS/ACCUSED:

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1. SUHAIL. K.K., S/O.KUNHALAN KUTTY,
   AGED 18 YEARS, KARALIKKADAN HOUSE,
   EDAVANNA.

2. SAMEER AHAMMED K.K., S/O. AHAMMED,
   AGED 18 YEARS, KARALIKKADAN HOUSE,
   EDAVANNA.

3. UBAID, S/O.HYDROS, AGED 21 YEARS,
   MACHINGAL HOUSE, EDAVANNA.

4. SUBAIR, S/O. SHOUKATHALI,
   AGED 19 YEARS, SHAVARA HOUSE, EDAVANNA.

5. SHAMSUDEEN P.K., S/O.IBRAHIMKUTTY,
   AGED 18 YEARS, PACHANKAVIL HOUSE,
   EDAVANNA.

6. MUJEEB RAHMAN, S/O. HYDROS,
   AGED 25 YEARS, MACHINGAL HOUSE, EDAVANNA.

7. SHIHABUDHEEN, S/O.HASSAN,
   AGED 25 YEARS, VALLASSERY HOUSE,
   VADASSERY, EDAVANNA.

8. FASALUDHEEN, S/O.HASSAN,
   AGEAD 19 YEARS, VELLASSERY HOUSE,
   VADASSERY, EDAVANNA.

9. AFTHAB K.K., S/O.ALAVI, AGED 18 YEARS,
KODAKKODAN HOUSE, EDAVANNA.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE EDAVANNA,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7276 of 2006

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Dated this the 7th day of December, 2006.

ORDER

Petitioners 1 to 8 are accused Nos.9, 6, 7, 10, 12, 8, 5 and 11 respectively in Crime No.245 of 2006 of Edavanna Police Station for offences punishable under Sections 143, 147, 341, 323, 353 and 441 read with Section 149 I.P.C.

2. On account of the refusal to grant sand mining pass, petitioners 1 to 8 along with the other accused are alleged to have trespassed into the Panchayat office on 20.11.2006 at 12.30 p.m. and assaulted the Secretary of the Panchayat. The learned public Prosecutor submitted that the 9th petitioner is not an accused in the above crime.

3. Having regard to the nature of the allegations levelled against petitioners 1 to 8 and the other circumstances of the case, I am

inclined to grant anticipatory bail to petitioners 1 to 8. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners 1 to 8 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners 1 to 8 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 1 to 8 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 1 to 8 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 1 to 8 shall not commit any offence while on bail.

5. Petitioners 1 to 8 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

Since the 9th petitioner is not an accused in the above crime, the apprehension of arrest entertained by him is unfounded and the

request for anticipatory bail by the 9th petitioner is dismissed.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

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